

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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GENE CODES CORPORATION,

Plaintiff,

v.

Case No. 09-CV-14687

NAOMI THOMSON,

Defendant.

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**ORDER DENYING IN PART PLAINTIFF'S "MOTION FOR A TEMPORARY  
RESTRAINING ORDER AND PRELIMINARY INJUNCTION,"  
AND SETTING A PRELIMINARY INJUNCTION HEARING**

On December 1, 2009, Plaintiff filed its "Verified Complaint," and promptly served Defendant on December 4, 2009. About two weeks later, on December 14, 2009, Plaintiff filed a "Motion for a Temporary Restraining Order and Preliminary Injunction." The motion was electronically served on Defendant's attorney on the same date. The court has reviewed the Motion and determined that the requirements for issuing a temporary restraining order under Federal Rule of Civil Procedure 65(b) are not met in this case. Specifically, Plaintiff's verified complaint fails to establish that "immediate and irreparable injury, loss, or damage will result . . . before the adverse party or that party's attorney can be heard in opposition." Fed. R. Civ. P. 65(b)(1)(A). Accordingly,

IT IS ORDERED that Plaintiff's "Motion for a Temporary Restraining Order and Preliminary Injunction" [Dkt. # 7] is DENIED IN PART. Specifically, it is DENIED with respect to the request for a temporary restraining order.

IT IS FURTHER ORDERED that the court will conduct a hearing on the request for a preliminary injunction on **Friday, December 18, 2009 at 9:00 a.m.** Party representatives with full settlement authority are required to appear.

S/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: December 14, 2009

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 14, 2009, by electronic and/or ordinary mail.

S/Lisa Wagner  
Case Manager and Deputy Clerk  
(313) 234-5522